IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WA.No. 2268 of 2007

AGAINST THE JUDGEMENT/ORDER IN WPC.21782/2003 Dated 10/07/2003
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APPELLANT: PETITIONER:

REMA M.P.,
LADY VILLAGE EXTENSION OFFICER GRADE II,
MADAPPALLY BLOCK, KOTTAYAM DISTRICT.

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENTS: RESPONDENTS:
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1. THE STATE OF KERALA,
REP. BY SECRETARY TO RURAL DEVELOPMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR RURAL DEVELOPMENT,
COMMISSIONERATE OF RURAL DEVELOPMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SANDESH RAJ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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C.M.Appl.No.1012 OF 2007 &
W.A.No.2268 OF 2007

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Dated this the 18th day of September, 2007

JUDGMENT

Radhakrishnan, J

There is a delay of 1358 days in filing this appeal. We have gone through the affidavit filed in support of the petition for condonation of delay. Sufficient grounds have not been made out to condone the delay.

Appellant has filed W.P.21782/03 challenging Ext.P4 order passed by the Senior Administrative Officer by which petitioner was transferred to Kottayam District as a special case as she is the wife of a serving defence personnel, and hence she will not lose her original seniority in the new district as envisaged under Circular No. 476/Adv.C3/88/ P&ARD dated 22.2.88. When the said seniority position was tinkered with and she was assigned seniority from the date of transfer, petitioner filed a representation before the Commissioner, Rural Development. That representation was rejected by Ext.P14. It is a case of inter district transfer of

employees. It is stated in Paragraph 4 clause (ii) of G.O.(P) No.36/91/P&ARD dated 2nd December 1991, that any inter-district transfer except the one, of candidates advised to headquarters vacancies to the district of his choice will entail loss of seniority. Service prior to the transfer will count towards increment, leave and pension benefits. Therefore, the findings entered into by the learned Single Judge is just and proper.

We are of the view that sufficient grounds have not been made out to condone the delay. In such circumstances, both the petition to condone the delay and the appeal stand dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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